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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Asia Lynn Sebert,,

10 Plaintiff,

11 v.

12 Arizona Department of Corrections, et al.,

13 Defendants.
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No. CV-16-00354-PHX-ROS (ESW)

ORDER

15 On November 15, 2016, Magistrate Judge Eileen S. Willett issued a Report and
16 Recommendation addressing a motion to quash service as well as possible dismissal of
17 two unserved defendants. (Doc. 103). No objections were filed and the Report and
18 Recommendation will be adopted in full.

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23 Accordingly,

24 **IT IS ORDERED** the Report and Recommendation (Doc. 103) is **ADOPTED**.

25 **IT IS FURTHER ORDERED** Defendants Corizon LLC and Corizon Health of
26 New Jersey, LLC, are **DISMISSED WITHOUT PREJUDICE**.

27 **IT IS FURTHER ORDERED** the Motion to Quash Service (Doc. 95) is
28 **GRANTED**.

1 **IT IS FURTHER ORDERED** Plaintiff has sixty days from the date of this Order
2 to complete service on Defendants Moody and O'Neil. The Clerk of Court shall mail
3 Plaintiff service packets for Defendants Moody and O'Neil. Plaintiff shall complete and
4 return the service packets within ten days of this Order.

5 **IT IS FURTHER ORDERED:**

6 1. The United States Marshal shall retain the Summons, a copy of the Second
7 Amended Complaint, and a copy of this Order for future use.

8 2. The United States Marshal shall notify Defendants Moody and O'Neil of the
9 commencement of this action and request waiver of service of the summons pursuant to
10 Rule 4(d) of the Federal Rules of Civil Procedure. The notice to Defendants shall include
11 a copy of this Order. The Marshal shall file waivers of service of the summons or
12 requests for waivers that were returned as undeliverable as soon as they are received. If a
13 waiver of service of summons is returned as undeliverable or is not returned by
14 Defendants within twenty days from the date the request for waiver was sent by the
15 Marshal, the Marshal shall:

16 (a) Personally serve copies of the Summons, Second Amended Complaint,
17 and this Order upon Defendants Moody and O'Neil pursuant to Rule 4(e)(2) of the
18 Federal Rules of Civil Procedure; and

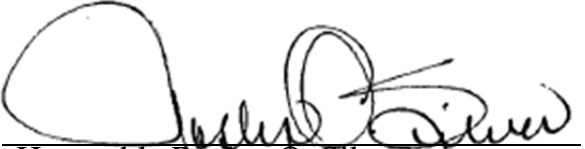
19 (b) Within ten days after personal service is effected, file the return of
20 service for Defendants, along with evidence of the attempt to secure a waiver of service
21 of the summons and of the costs subsequently incurred in effecting service upon
22 Defendants. The costs of service shall be enumerated on the return of service form
23 (USM-285) and shall include the costs incurred by the Marshal for photocopying
24 additional copies of the Summons, Second Amended Complaint, or this Order and for
25 preparing new process receipt and return forms (USM-285), if required. Costs of service
26 will be taxed against the personally served Defendants pursuant to Rule 4(d)(2) of the
27 Federal Rules of Civil Procedure, unless otherwise ordered by the Court.

28 3. If Defendants agree to waive service of the Summons and Second Amended

1 Complaint, they shall **return the signed waiver forms to the United States Marshal,**
2 **not the Plaintiff.**

3 Dated this 3rd day of January, 2017.

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Honorable Roslyn O. Silver
Senior United States District Judge